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Attorneys for Plaintiff and Counter Defendant  
 ViaSat, Inc.

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

<p><b>ViaSat, Inc.,</b>  <i>a Delaware corporation,</i></p>	<p>) Case No.: 3:16-cv-00463-BEN-JMA                  )                  ) <b>Plaintiff and Counter Defendant</b>                  ) <b>ViaSat, Inc.’s <i>Ex Parte</i> Motion to</b>                  ) <b>Strike Doc. No. 173</b>                  )                  ) Dist. Judge: Hon. Roger T. Benitez                  ) Hon. Magistrate Jan M. Adler                  )                  ) Case Initiated: January 21, 2016                  )                  )                  )                  )                  )</p>
<p>Plaintiff                  and Counter Defendant,</p>	
<p>v.</p>	
<p><b>Acacia Communications, Inc.,</b>  <i>a Delaware corporation,</i></p>	
<p>Defendant                  and Counter Claimant,</p>	

1 Plaintiff ViaSat, Inc. (“ViaSat”) filed an *Ex Parte* Application (Doc. No. 173)  
2 in order to seal portions of expert reports and one documentary exhibit previously  
3 submitted with the parties’ pending summary judgment and *Daubert* motions, in  
4 conformance with the Court’s order (Doc. No. 169) requiring a narrower, more  
5 particularized request to seal as to those documents. Accompanying ViaSat’s  
6 application were redacted versions of the documents which the Court previously  
7 determined should not be sealed. Defendant and counterclaimant Acacia  
8 Communications, Inc. (“Acacia”) then filed its own motion to seal (Doc. No. 174),  
9 with its own redactions of those same documents, along with a request that all of the  
10 documents under consideration be sealed pending the Court’s ruling. Acacia  
11 informed Viasat that it objected to ViaSat’s public filing of the documents with its  
12 *Ex Parte* Application, and Acacia requested ViaSat to withdraw its Application so  
13 that none of the documents remain in the public record pending the Court’s  
14 determination on whether to permit sealing of portions of the documents in  
15 question. ViaSat agreed to do so, and therefore respectfully requests the Court to  
16 strike and remove from the record Doc. No. 173.

17 ViaSat will respond to Acacia’s Motion to Seal (Doc. No. 174), and ViaSat will  
18 offer its own redactions of the documents in question in the context of that  
19 response. The parties do not agree completely on what should or should not be  
20 sealed, but it will be more efficient for the Court to consider their positions by ruling  
21 on Acacia’s motion, following submission of ViaSat’s response. In the interim,  
22 ViaSat wishes to accommodate Acacia’s request that the documents remain off the  
23 public docket until these issues are fully resolved.

## 24 II. Conclusion

25 For the foregoing reasons, ViaSat respectfully requests the Court to  
26 strike from the record Plaintiff ViaSat, Inc.’s *Ex Parte* Application to Seal (Doc. No.  
27 173).

1 Dated: June 28, 2018

FITZGERALD KNAIER LLP

2 By: s/ *Kenneth M. Fitzgerald*

3 Kenneth M. Fitzgerald, Esq.

4 David M. Beckwith, Esq.

5 Keith M. Cochran, Esq.

6 -and-

7 WARREN LEX LLP

8 Matthew S. Warren, Esq.

9 Patrick M. Shields, Esq.

10 Attorneys for Plaintiff and Counter  
11 Defendant ViaSat, Inc.

**CERTIFICATE OF SERVICE**

I certify that today I am causing to be served the foregoing document by CM/ECF notice of electronic filing upon the parties and counsel registered as CM/ECF Users. I further certify that, to the extent they are not registered CM/ECF Users, I am causing the foregoing document to be served by electronic means via email upon counsel for Acacia Communications, Inc., per the agreement of counsel.

Dated: June 28, 2018

s/ Kenneth M. Fitzgerald

Kenneth M. Fitzgerald, Esq.